



Environmental Protection Act 1986

Hon Amber-Jade Sanderson MLA
Minister for Environment; Climate Action

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST REPORT AND RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION AUTHORITY (REPORT 1702) – CERVANTES-01 CONVENTIONAL WELL DRILLING PROPOSAL

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 100(1) of the *Environmental Protection Act 1986* in objection to the above report. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellants:	Australian Native Plants Society (Australia) Inc. Dominique Griffiths
Proponent:	RCMA Australia Pty Ltd
Proposal description:	The proposal is to drill one conventional oil exploration well to determine if there is oil in the prospect, located 11 kilometres south of Dongara/Port Denison in the onshore Perth Basin, predominantly within the Beekeepers Nature Reserve.
Minister's Decision:	The Minister allowed the appeals in part
Date of Decision:	5 November 2021

REASONS FOR MINISTER'S DECISION

The proposal includes site preparation, drilling activities, decommissioning, site restoration and rehabilitation. The anticipated life of the proposal is three to six months. Should future production be proposed then separate assessment and approvals processes will apply.

The key concerns raised by the appeals relate to impacts to flora and vegetation, particularly the priority 1 listed 'Coastal sands dominated by *Acacia rostellifera*, *Eucalyptus oraria* and *Eucalyptus obtusiflora*' Priority Ecological Community (PEC). The Minister noted that concerns were also raised in relation to the adequacy of the requirements for rehabilitation and offsets, and the EPA's assessment of cumulative impacts. In addition, the appeals submitted that the EPA did not have proper regard for the designated purpose of Beekeepers Nature Reserve.

Decision

Having considered the available information, including the EPA's response to the appeals and the Appeals Convenor's report and recommendation, the Minister was satisfied that the EPA appropriately considered the environmental impacts of the proposal and no further assessment is required. The Minister was satisfied that the recommended conditions are generally appropriate and proportionate to the scale of the proposal and potential impacts.

However, the Minister partly allowed appeals to the extent that conditions 3-1(1) and 5-2 be amended as follows:

3-1 The proponent shall ensure the following outcomes are achieved:

- (1) no more than 0.99 ha direct disturbance [emphasis added] to Coastal sands dominated by *Acacia rostellifera*, *Eucalyptus oraria* and *Eucalyptus obtusiflora* PEC; and

5-2 The proponent must not commence ground disturbing works until the CEO has endorsed the latest version of the [emphasis added] Rehabilitation Management Plan in writing.

The full reasons for the Minister's decision are set out below.

Key considerations

The Minister noted the appeals raised concerns that the EPA's assessment of the key environmental factor Flora and vegetation was inadequate, and that the recommended conditions were insufficient and will not protect flora and vegetation.

The proposal involves clearing 5.3 hectares (ha) of native vegetation, including 0.99 ha of the priority 1 listed 'Coastal sands dominated by *Acacia rostellifera*, *Eucalyptus oraria* and *Eucalyptus obtusiflora*' PEC. The Minister was advised that no other conservation significant flora species were recorded within the disturbance footprint.

The EPA's assessment also identified potential indirect impacts from weed and dieback incursion and changes to fire regimes of native vegetation within the vicinity of the proposal area.

The EPA found that the impacts to flora and vegetation can be managed provided the recommended conditions are implemented. The Minister noted that the EPA had recommended conditions to limit clearing to 5.3 ha, which includes 0.99 ha of the priority 1 listed PEC; avoid impacts from fire, dieback and weeds through a requirement for an environmental management plan; and require a rehabilitation plan, rehabilitation performance bond and contingency offset.

Beekeepers Nature Reserve is vested with the Conservation and Parks Commission (CPC) and managed by the Department of Biodiversity, Conservation and Attractions (DBCA) for the purpose of the protection of apiculture and the conservation of flora, and the Minister noted that the EPA sought advice from DBCA during its assessment.

DBCA advised that CPC considered that proposals involving impacts on conservation reserves warrant due consideration of risk and application of financial assurances that can be accessed in the event of a default on decommissioning and rehabilitation requirements. Consistent with this advice, the EPA recommended a condition for a rehabilitation performance bond for plugging, decommissioning and abandonment of the well.

The EPA consulted further with DBCA about its recommended conditions and DBCA advised that it was satisfied that the rehabilitation management plan, in conjunction with the financial assurance and contingency offset, ensured the best environmental outcome for the proposal and increases likelihood of successful rehabilitation.

In relation to rehabilitation generally, the Minister accepted the Appeals Convenor's advice that given the short duration of the proposal and previous experience in the area with rehabilitation, there is a high degree of confidence in successfully rehabilitating areas of disturbance.

With regard to offset requirements, given the small impact of the proposal and the high confidence that a like-for-like offset can be found, the Minister was satisfied that the recommended contingency offset can address any residual impacts to the priority 1 listed PEC and other vegetation should the need arise.

As to the other issues raised by the appeals, the Minister considered the advice provided to her by the EPA and the Appeals Convenor, and was of the view that the EPA had appropriately considered these issues.

On the basis of the information available to her, the Minister was satisfied that the EPA's assessment of the proposal, including its consideration of cumulative impacts, was adequate. The Minister considered that the EPA had recommended appropriate conditions to avoid, minimise and mitigate potential impacts to the significant environmental values of Beekeepers Nature Reserve that are proportionate to the scale of the proposal and those potential impacts.

However, for clarity and consistency, the Minister allowed the appeals by amending conditions 3-1(1) and 5-2 in the manner set out above.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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